AMENDMENTS TO THE DRAWINGS

Two new and two replacement drawing sheets are attached herewith. FIGURE 3 and FIGURE 4 are new. FIGURES 1 and 2 are as originally submitted except the pagination has been updated to reflect the new number of figures in the application. No new matter has been added.

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REMARKS

Claims 1-23 are pending in the present application. Claims 1-23 currently stand rejected. Claims 1-4, 11, and 14-21 have been amended to more particularly point out and distinctly claim aspects of the present disclosure. Claim 24 has been added and is fully supported by the present application in at least FIGURE 2.

Based on the amendments set forth above and the remarks set forth below, applicants submit that Claims 1-24 are currently in condition for allowance. Accordingly, reconsideration and allowance of Claims 1-24 is respectfully requested.

Objections to the Drawings Under 37 C.F.R 1.83(a)

The drawings were objected to because they were said not to show features recited in Claims 14, 16 and 17 as previously submitted. Specifically, the figures were objected to for failing to show "the drain of Claim 14", an "outer circumferential wall extending vertically along the fill height of the stack, and one inner circumferential wall extending vertically along a portion of the stack, whereby said outer circumferential wall optionally has openings or perforations along the portion of the stack not covered by the inner circumferential wall of Claim 16", and "one outer and one inner circumferential wall extending along the full height of the stack, whereby both walls have openings or perforation along a portion of the stack of Claim 17." Applicants respectfully submit that FIGURES 3 and 4 show the claimed features. Thus, all of the features of Claims 14, 16 and 17 are shown in the drawings, and withdrawal of the objection is respectfully requested.

Objection to the Specification

The specification was objected to regarding transposed numbers in the reference to the applicants' own patent. Minor amendments to the specification are presented above to correct the reference. Additionally, minor amendments to the specification are presented to make reference to the new FIGURE 3 and FIGURE 4, and to make the wording of the specification

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consistent with the new figures. Because the new features illustrated in FIGURE 3 and FIGURE 4 are fully supported by the specification and the previously submitted claims, and are included at the request of the Examiner, no new matter is being introduced to the specification.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-2, 5, 7-10, 12-13, 15, 18-19, and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,515,775, issued to Crump et al. ("Crump"). A claim is anticipated only if each and every element, as set forth in the claim, is found either expressly or inherently in a single prior art reference. *E.g. Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For the reasons set forth below, applicants respectfully submit that Crump does not teach each and every element of independent Claims 1 and 18.

As amended, Claim 1 generally recites an apparatus for treatment of foodstuffs for processing and subsequent drying. The apparatus comprises, in part, "an end portion of the stack, in which the stack is vertically surrounded by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the end portion of the stack, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall." The apparatus further comprises a first supply of a first gaseous medium to the central space, and a second supply of a second gaseous medium to the encapsulation. The encapsulation is arranged to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said encapsulation to the rest of the stack.

Similarly, Claim 18 as amended generally recites a method for treating foodstuffs for the purpose of processing and drying, comprising in part "an encapsulated stack portion being encapsulated in the vertical direction by an encapsulation that is essentially tight in the horizontal

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direction, the encapsulation being formed by an outer circumferential wall and an inner circumferential wall vertically surrounding the encapsulated stack portion, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall."

The language of Claims 1 and 18 is supported at least by the specification at page 9, lines 26-30, which states that "[a]n end portion 19 of the stack 3 . . . is along the outer 8 and the inner 9 cylindrical wall encapsulated in such a manner that the stack 3 is divided into an encapsulated stack portion 20 and a non-encapsulated stack portion 21." FIGURE 2 illustrates the outer circumferential wall and inner circumferential wall forming the encapsulation 22. It is apparent from FIGURE 2 that the encapsulation 20 "extends along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall" (in this case both), as recited in the currently amended Claims 1 and 18. As explained in the specification at page 3, lines 24-28, the encapsulation is thusly arranged "to direct the flow of the gaseous medium in such a manner that it is passed in the vertical direction from the encapsulation to the rest of the stack." It is further explained at page 3, lines 29-33, that "by arranging in this way an encapsulation of the stack, a division of the stack into two portions is obtained, which by the supply of the gaseous media allow treatment of foodstuffs in one and the same apparatus by *both processing and subsequent drying*" (emphasis added).

Crump does not disclose or suggest features having at least the benefits described above. Rather, Crump discloses a machine primarily for moisturizing or drying tobacco. First, Crump does not disclose or suggest an "end portion of the stack, in which said stack is vertically surrounded by an encapsulation," as recited in Claim 1. Instead, Crump teaches chambers 42, 43, 44, and 45 that are created using L-shaped partitions 46, 47, 48, and 49, many of which are located at intermediate locations along the stack 20. Crump, Column 9, lines 9-12. Fig. 8 of Crump demonstrates that neither the inner nor outer L-shaped partitions extend vertically to the

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ends of the stack. Consequently, the L-shaped partitions neither vertically surround nor encapsulate an "end portion of the stack," as recited in Claim 1.

Second, Crump does not teach or suggest an "encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall," as recited in the currently amended Claims 1 and 18. Instead, Crump teaches that the inner and outer "L-shaped" partitions should have minimal overlap. In this regard, Crump teaches that additional chambers around the stack create a "series of decreasing zones of pressure outside of the conveyor belt tiers" and facilitate a "serpentine-like path for flow." See Crump at Column 8, lines 53 through Column 9, lines 8; see also curved arrows in Crump, Figs. 6-8. The outer L-shaped partitions 46, 47 must be placed with minimal vertical overlap with the inner L-shaped partitions 48, 49 to redirect the flow of gas and preserve the "serpentine-shape" of flow as the gas descends towards the bottom of the stack. See Crump, Fig. 8. As a consequence, any encapsulation would be confined to the minimized areas of overlap between the outer and inner L-shaped partitions, and thus cannot extend "along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall," as recited in the currently amended Claims 1 and 18. Thus, Crump does not teach or suggest an apparatus that can both process and dry foodstuffs, as claimed in the current application, because the features taught by Crump do not result with the benefit of an encapsulation that directs flow of a gaseous medium vertically to the rest of the stack.

It is clear for at least these reasons that Crump does not teach "each and every element" of Claims 1 and 18. Accordingly, applicants request withdrawal of the rejections to independent Claims 1 and 18, and their associated dependent Claims 2, 5, 7-10, 12-13, 15, 19, and 22.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 3, 20, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crump as applied to Claims 1 and 18 above, in view of U.S. Patent No. 6,572,911, issued to

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Corcoran et al. ("Corcoran"). Claims 4, 11, 14, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crump as applied to Claims 1, 2, 13 and 18 above, in view of U.S. Patent No. 5,078,120, issued to Hwang ("Hwang"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crump as applied to Claim 1 above, in view of U.S. Patent No. 3,443,505, issued to Kaufman ("Kaufman"). Finally, Claim 6 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Crump as applied to Claim 1 above, in view of U.S. Patent No. 4,953,365, issued to Lang et al. ("Lang").

In view of the comments above regarding Crump as applied to amended Claims 1 and 18, applicants respectfully submit that dependent Claims 3, 4, 6, 11, 14, 20, 21 and 23 are also in condition for allowance. Accordingly, applicants respectfully request withdrawal of the rejections to these claims.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that Claims 1-24 are currently in condition for allowance. The Examiner is encouraged to telephone the undersigned with any remaining questions.

Respectfully submitted,

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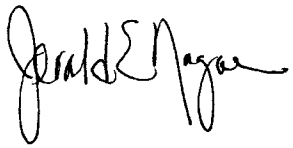

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